D.B.CIVIL SPECIAL APPEAL NO. 177/2007
Kana Ram & ors. v. State of Rajasthan & ors.

Date of order : 12.04.2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE GOVIND MATHUR

Shri L.R.Calla for the appellants
Shri Dinesh Mehta for respondent no.5

This special appeal is directed against the order of the learned Single Judge dismissing the writ petition of the appellants. The appellants filed the writ petition seeking direction to connect village Krishna ka Tala main with village Talsar. The petition was dismissed in view of the statement of counsel for the respondents that the road has substantially been constructed. The learned Single Judge took the view that the petition does not require any further consideration.

The factual position about the construction of the road was challenged by the appellants and in the light of the submissions on 14.3.2007 counsel for the respondents was directed to file affidavit about the present stage of construction of the road. In the light of said order additional affidavit has been filed by the Sarpanch, Gram Panchayat, Talsar, the relevant portion whereof runs as under :

> " the fact situation obtaining on 25/1/2007 was that the road was complete from Km.00 (at Talsar) to Km. 2.700 in all respect. Beyond that from Km. 2.700 to Km. 6.500 (Krishan-Ka-Tala) as per proposed plan, earth work was completed in road formation."

> "as on 14/3/2007, at Km. 2.700 to Km. 6.500, grantual sub base has been completed and laying of stone ballast for providing WBM Layer is in progress between Km. 3 to 5.00. The road work in question is likely to be completed in all respect; by the end of March, 2007."

It appears that some interim order had been passed by this Court in the connected writ petition on 7.2.2006 which was vacated later on 8.8.2006. The construction thereafter commenced. Counsel for the appellant tried to convince this Court that the writ petition was dismissed on false statement. However, coming as it does with specific particulars from none else than the Sarpanch of the Gram Panchayat, we have no reason to disbelieve the statement. The affidavit was filed on 15.3.2007 and there was a definite assurance that the road will be complete by the end of March, 2007. We do not think any further order is required to be passed in this appeal.

The appeal is dismissed.

(GOVIND MATHUR) J. (S.N.JHA), C.J

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